

Agency Survey Responses: Executive Director's Office

NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENTAL QUALITY APPROPRIATIONS SUBCOMMITTEE
STAFF: LACEY MOORE & IVAN DJAMBOV

ISSUE BRIEF

1. What are the statutory requirements?

The statutory requirements relating to the Executive Director's Office (EDO) are primarily found in Title 19-1. The remainder of the Title includes specific requirements for each of DEQ's five divisions.

a. Should the statute/scope of the entity be adjusted?

Title 19 was reviewed and modified as necessary during the 2020 General Legislative Session. We do not recommend any additional changes at this time.

b. Does each program have a mission, goals, and objectives that are meaningful and tied to the enabling statute? What are they?

Yes, the mission of the Department of Environmental Quality is to safeguard and improve Utah's air, land, and water through balanced regulation. The primary objective of the department is to implement state and federal environmental laws, rules, and regulations in such a way that industry can be viable and thrive while also ensuring protection of health and the environment for the overall benefit of Utah's citizens. Additionally, each Division builds on the department mission to identify program goals and objectives relative to the programs being administered. Who we are and what we do are best explained here:

<https://deq.utah.gov/general/about/deq-who-we-are-and-what-we-do>.

c. How could the organizational structure be improved to achieve stated objectives? (Referring to programs within this line item, line items within the Department, and other line items in the executive branch.)

The organizational structure of the Director's Office was recently realigned to better achieve objectives. The Divisions of Waste Management and Radiation Control, of Water Quality, and of Drinking Water have reorganized their structure within the last three years as key retirements have happened and new leadership has stepped in.

2. How well has this "investment" performed in the past? What are the goals for the future?

DEQ has done an excellent job getting the best value for the taxpayers investment. We have achieved a number of major accomplishments in improving Utah's environment and protecting the health and safety for all of its citizens. Our annual State of the Environment (SOE) report highlights some of those major milestones. Some accomplishments of particular note include: Investing almost 68 million in clean water projects and assessing over 82,000 miles of water bodies in the state. This year we also reached a major air quality milestone with EPA's redesignation of the Salt Lake City and Provo non-attainment areas to attainment for the PM2.5 air quality standard. Additional information in the SOE report can be found here:

<https://deq.utah.gov/communication/state-of-the-environment-report/utahs-environment>. DEQ is in the process of realigning its internal goals with the Cox administration's One Utah Road Map. We anticipate this process will be completed in July 2021.

a. What value does this division/program add to society?

We are incredibly proud of the work our employees do to protect Utah's environment. We believe that every Utahn derives value from the protections to their environment provided by DEQ. The Executive Director's office is responsible for ensuring that all of our programs maintain state primacy while providing excellent value for the taxpayer dollars invested.

b. Are there meaningful performance measures?

Yes, and our commitment to continuous improvement has led us to undergo an in-depth review of all performance metrics throughout the department. Our goal is to determine if existing performance measures are still meaningful and aligned with Governor Cox's goals. We expect that this review of DEQ's performance measures will lead to better data driven decision making department wide. Current measures are highlighted in the COBI reports here: <https://cobi.utah.gov/2021/62/performance>.

i. How well do they tie to the organization's mission, goals, and objectives?

We believe that the majority of existing performance measures tie well to our mission, goals, and objectives. Although we are always looking for opportunities for improvement.

ii. Are the targets reasonable? Are the results acceptable?

For the executive director's office we believe the current measures are reasonable and acceptable, but we are open to making improvements. As we move toward a better alignment of organizational goals and performance measures with the One Utah Road Map it is likely that we may make adjustments along the way.

iii. Are there standards (industry, national, etc.) for output or output per unit of input? How do they compare to this program's results?

For many of the divisions there are national standards and we still follow many of the important concepts outlined in the Success framework from the previous administration for streamlining business processes. The department follows many of the same standards set by the Environmental Protection Agency, the Nuclear Regulatory Commission and other federal counterparts to ensure protection of human health and the environment. We do not have specific measures that fit that description for the Executive Director's Office that we are aware of.

c. What data is collected/reported to document/demonstrate progress toward the outcomes?

The data collected for the executive director's office can be found in the COBI report. We are in the process of making changes to our customer satisfaction survey that we have historically collected. Our goal is to capture more robust and timely data for EDO so that we can enhance the experience of our customers.

d. What decisions does the Department, Division or Program make based on performance and other collected data?

The current measures provide an indicator as to whether or not the executive director's office is on track with meeting its oversight responsibilities. As stated earlier, we are reexamining our performance management system and looking for areas that we can make improvements.

3. What programs should be funded for the upcoming fiscal year? At what level?

All programs that are currently in place should be funded to ensure that the state maintains primacy. State control allows us to develop Utah solutions for Utah problems without direct federal intervention.

a. Why is state government providing these services? Could this function be performed by a local government or the private sector?

By statute, DEQ is charged with appropriately balancing the need for environmental protection with the need for economic and industrial development. DEQ considers the benefits to public health, the impacts on economic development, property, wildlife, tourism, business, agriculture, forests, and other interests, and the costs to the public and to industry.

b. What will happen if the division/program is eliminated or downsized? Who will notice? Who will be affected the most?

DEQ is responsible for enforcing federal environmental rules and regulations. If programs were eliminated, federal agencies such as the Environmental Protection Agency and Nuclear Regulatory Commission would step in to administer that oversight in the state. DEQ has the opportunity to build consensus among the public, industry, and local governments in developing environmental protection goals; and strengthen local health departments' environmental programs. We contract with local health

departments to help provide some of the services. This approach has increased the number of field investigations and decreased response time. The approach has also led to faster permit turnaround times, reduced travel and inspection time, and improved customer support. We believe, and industry has verified, that a properly funded Utah DEQ is a good partner in strengthening Utah businesses and allowing the economy to grow.

c. Can the taxpayers' investment be reduced by implementing or increasing user fees?

Yes, and we are in the process of attempting to do this in both the Division of Drinking Water and the Division of Waste Management and Radiation Control. Our goal is transition to greater emphasis on user fees and less reliance on the general fund.

d. Should the funding mix be adjusted?

Approximately 16% of DEQ's budget is fee-based. As DEQ moves more towards user fees it may have an impact on the current funding mix.

e. Are any previously awarded building blocks no longer a high priority?

No, the Department has kept the number of building block requests each year to a minimum, and has reserved these requests only for the most pressing needs after thorough analysis and determination that existing resources are insufficient.

f. How can some of the expenditures be reduced or eliminated?

Given the added costs to meet our regulatory mandate due to increased population growth in the state we would not recommend the elimination of any current expenditures. As previously stated, we are moving to add user fees to help pay for the regulatory programs that support sustainable growth without asking for more general fund.

g. Is the availability of funding (either grants or previous building blocks) driving expenditures, rather than mission or objective?

We have more need than available funding to make significant improvements to the state of our environment in Utah. To an extent, the availability of federal funds does drive some expenditures, but bolsters our ability to have a greater impact. To minimize this, grants and other funding sought are based on program priorities and work plans are jointly negotiated. One example is the Performance Partnership Grant/Agreements which accounts for about one third of federal funds. The work plan for this grant is negotiated annually and allows DEQ to move federal funds into areas of greatest need within programs covered by the agreement. In addition, the Department has dropped federal grant programs because they have not furthered our mission.